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Sixty-sixth session
Agenda item 75
Report of the International Criminal Court

Argentina, Australia, Austria, Belgium, Belize, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Ecuador, Estonia, Finland, France, Gabon, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Samoa, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela (Bolivarian Republic of) and Zambia: draft resolution

Report of the International Criminal Court

The General Assembly,

Recalling its resolution 65/12 of 23 November 2010, and all its previous relevant resolutions,

Recalling also that the Rome Statute of the International Criminal Court[1] reaffirms the purposes and principles of the Charter of the United Nations,

Reiterating the historic significance of the adoption of the Rome Statute,

Emphasizing that justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of sustainable peace,

Convinced that ending impunity is essential if a society in conflict or recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent future such abuses,

Acknowledging the fact that the International Criminal Court has achieved considerable progress in its analyses, investigations and judicial proceedings in various situations and cases which were referred to it by States parties to the Rome

* Reissued for technical reasons on 23 May 2012.

[1] United Nations, *Treaty Series*, vol. 2187, No. 38544.

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Statute and by the Security Council, and which the Prosecutor of the International Criminal Court has initiated *proprio motu*, in accordance with the Rome Statute,

Recalling that effective and comprehensive cooperation and assistance in all aspects of its mandate by States, the United Nations and other international and regional organizations remain essential for the International Criminal Court to carry out its activities,

Expressing its appreciation to the Secretary-General for providing effective and efficient assistance to the International Criminal Court in accordance with the Relationship Agreement between the United Nations and the International Criminal Court ("Relationship Agreement"),[2]

Acknowledging the Relationship Agreement as approved by the General Assembly in its resolution 58/318 of 13 September 2004, including paragraph 3 of the resolution with respect to the payment in full of expenses accruing to the United Nations as a result of the implementation of the Relationship Agreement,[3] which provides a framework for continued cooperation between the International Criminal Court and the United Nations, which could include the facilitation by the United Nations of the Court's field activities, and encouraging the conclusion of supplementary arrangements and agreements, as necessary,

Noting the need for funding of expenses related to investigations or prosecutions of the International Criminal Court, including in connection with situations referred to the Court by the Security Council,

Welcoming the continuous support given by civil society to the International Criminal Court,

Recognizing the role of the International Criminal Court in a multilateral system that aims to end impunity, establish the rule of law, promote and encourage respect for human rights and achieve sustainable peace, in accordance with international law and the purposes and principles of the Charter,

Expressing its appreciation to the International Criminal Court for providing assistance to the Special Court for Sierra Leone,

1. *Welcomes* the report of the International Criminal Court for 2010/11;[4]

2. *Welcomes* the States that have become parties to the Rome Statute of the International Criminal Court[1] in the past year, and calls upon all States in all regions of the world that are not yet parties to the Rome Statute to consider ratifying or acceding to it without delay;

3. *Welcomes* the States parties as well as States not parties to the Rome Statute that have become parties to the Agreement on the Privileges and Immunities of the International Criminal Court,[5] and calls upon all States that have not yet done so to consider becoming parties to that Agreement;

4. *Calls upon* States parties to the Rome Statute that have not yet done so to adopt national legislation to implement obligations emanating from the Rome

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[2] Ibid., vol. 2283, No. 1272.

[3] Articles 10 and 13 of the Relationship Agreement.

[4] See A/66/309.

[5] United Nations, *Treaty Series*, vol. 2271, No. 40446.

Statute and to cooperate with the International Criminal Court in the exercise of its functions, and recalls the provision of technical assistance by States parties in this respect;

5. *Welcomes* the cooperation and assistance provided thus far to the International Criminal Court by States parties as well as States not parties, the United Nations and other international and regional organizations, and calls upon those States that are under an obligation to cooperate to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses, and the enforcement of sentences;

6. *Recalls* article 3 of the Relationship Agreement according to which, with a view to facilitating the effective discharge of their respective responsibilities, the United Nations and the Court shall cooperate closely, whenever appropriate, with each other and consult each other on matters of mutual interest pursuant to the provisions of the Agreement and in conformity with the respective provisions of the Charter of the United Nations and the Rome Statute as well as the need to respect each other's status and mandate,[6] and requests the Secretary-General to include information relevant to the implementation of article 3 of the Relationship Agreement in his report to be submitted pursuant to paragraph 11 of the present resolution;

7. *Emphasizes* the importance of cooperation with States that are not parties to the Rome Statute;

8. *Invites* regional organizations to consider concluding cooperation agreements with the International Criminal Court;

9. *Recalls* that, by virtue of article 12, paragraph 3, of the Rome Statute, if the acceptance of a State which is not a party to the Statute is required under article 12, paragraph 2, of the Rome Statute, that State may, by declaration lodged with the Registrar of the International Criminal Court, accept the exercise of jurisdiction by the Court with respect to the crime in question;

10. *Encourages* all States parties to take the interests, needs for assistance and mandate of the International Criminal Court into account when relevant matters are being discussed in the United Nations;

11. *Emphasizes* the importance of the full implementation of all aspects of the Relationship Agreement,[2] which forms a framework for close cooperation between the two organizations and for consultation on matters of mutual interest pursuant to the provisions of that Agreement and in conformity with the respective provisions of the Charter of the United Nations and the Rome Statute, as well as the need for the Secretary-General to inform the General Assembly at its sixty-seventh session of the expenses incurred and reimbursements received by the United Nations in connection with assistance provided to the International Criminal Court;

12. *Recalling* the referrals of situations to the International Criminal Court already made by the Security Council, also invites all States to consider contributing voluntarily to the bearing of expenses related to investigations or prosecutions of the Court, including in connection with situations referred to the Court by the Council,

[6] Article 2, paragraph 3, of the Relationship Agreement.

in accordance with the modalities for such contributions established by the Registrar of the International Criminal Court;

13. *Expresses its appreciation* for the work undertaken by the International Criminal Court liaison office to United Nations Headquarters, and encourages the Secretary-General to continue to work closely with that office;

14. *Encourages* States to contribute to the Trust Fund established for the benefit of victims of crimes within the jurisdiction of the International Criminal Court and the families of such victims, and acknowledges with appreciation contributions made to that Trust Fund thus far;

15. *Recalls* that, at the Review Conference of the Rome Statute, which was convened and opened by the Secretary-General and held in Kampala from 31 May to 11 June 2010, States parties reaffirmed their commitment to the Rome Statute and its full implementation, as well as its universality and integrity, and that the Conference undertook a stocktaking of international criminal justice, considering the impact of the Rome Statute on victims and affected communities, peace and justice, complementarity and cooperation, called for the strengthening of the enforcement of sentences,[7] adopted amendments to the Rome Statute to expand the jurisdiction of the International Criminal Court to three additional war crimes when committed in armed conflicts not of an international character,[8] adopted amendments to the Rome Statute to define the crime of aggression and to establish conditions under which the Court could exercise jurisdiction with respect to that crime,[9] and decided to retain article 124 of the Statute;[10]

16. *Acknowledges* the report of the Secretary-General on the work of the Organization,[11] in which the Secretary-General stated that following the success of the ninth session of the Assembly of States Parties to the Rome Statute, efforts towards universality had yielded positive results;[12]

17. *Takes note* of the decision of the Assembly of States Parties to the Rome Statute at its tenth session, while recalling that according to article 112, paragraph 6, of the Rome Statute, the Assembly of States Parties shall meet at the seat of the International Criminal Court or at United Nations Headquarters, to hold its eleventh session in The Hague,[13] looks forward to the eleventh session, which is to be held from 14 to 22 November 2012, and requests the Secretary-General to provide the necessary services and facilities in accordance with the Relationship Agreement and resolution 58/318;

18. *Encourages* the widest possible participation of States in the Assembly of States Parties, invites States to contribute to the Trust Fund for the participation of

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[7] See resolution RC/Res.3 adopted by the Review Conference of the Rome Statute of the International Criminal Court.

[8] See resolution RC/Res.5 adopted by the Review Conference of the Rome Statute of the International Criminal Court.

[9] See resolution RC/Res.6 adopted by the Review Conference of the Rome Statute of the International Criminal Court.

[10] See resolution RC/Res.4 adopted by the Review Conference of the Rome Statute of the International Criminal Court.

[11] See A/66/1.

[12] Ibid., para. 65.

[13] See resolution ICC-ASP/10/Res.5 of the Assembly of States Parties to the Rome Statute of the International Criminal Court.

least developed countries, and acknowledges with appreciation contributions made to that Trust Fund thus far;

19. *Invites* the International Criminal Court to submit, in accordance with article 6 of the Relationship Agreement, a report on its activities for 2011/12, for consideration by the General Assembly at its sixty-seventh session.

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Report of the International Criminal Court

Addendum

Add the following countries to the list of sponsors of the draft resolution:

Albania, Andorra, Costa Rica, Georgia, Ghana, Honduras, Paraguay and San Marino

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